

I am sorry to have to put this into the Constitution. I should much rather leave it to law, but since we have an indication in the action of the General Assembly that they do not want to do it by law, I see no other way to do it. I shall, therefore, support the proposal.

THE CHAIRMAN: Any delegate desire to speak in opposition? Delegate Gallagher.

DELEGATE GALLAGHER: Two brief points, Mr. Chairman. One is that this particular provision would run afoul, it seems to me, of what we have already adopted in the first report in the legislative branch in those years in which the presidency occurs in the dicentennial year, that is to say in 1990, 2010, et cetera. The difficulty would be this. The legislature in that particular year is required to enact or accept the Commission plan for the redistricting of the State. It must act within seventy days and then there must be time to have the matter litigated in the event any registered voter desires to challenge the plan adopted by the General Assembly or the Commission plan.

If we are going to hold a primary election prior to the national conventions, which usually meet in July or August, it seems to me we are going to be cutting ourselves much too short in time to have the legislative redistricting plans considered by the courts. Undoubtedly they will always be challenged at least in the early occasions when redistricting is undertaken. It would seem to me, therefore, that we present real time difficulties for ourselves if we were to require this primary before June or July.

A second point in this. Maryland, it seems to me, has had a very sad experience with presidential primaries. If all the candidates for the presidency were to run in the Maryland presidential primary, that would be fine and good but we know what happened. We have had people come in here who really did not turn out to be bonafide candidates for the presidency. We have had to dig up opposition to them, we have ripped up the party of the State of Maryland so far as the Democratic Party is concerned trying to oppose people who do not turn out to be genuine contenders for the presidency anyhow. When the legislature repealed the presidential preferential primary, it did so, it seems to me with these things in mind. As much as I would like to see the people of Maryland have an opportunity to indicate whom they would like to have nominated by their parties, it factually and practically is a very difficult matter.

When you bind delegates to vote for a candidate on the basis of who decided he wanted to run in Maryland, you get the delegate going to the Convention committed to voting for someone who may not at that point of the game be a candidate at the National Convention. It seems to me you nullify the power of the delegation, both Republican and Democrat, at the national convention.

So as a practical matter, these primary preferences have not worked. Maryland has been a prime example of how miserably they have worked to the detriment of the people. They have invited people in reality to come into this State and we have been very unhappy with their presence and we were only too glad to see them go. I do not think this amendment will achieve the very ideal goal it seeks.

THE CHAIRMAN: Any other delegate desire to speak in favor of the amendment?

Delegate Willoner.

DELEGATE WILLONER: Mr. Chairman, I would like to ask Delegate Gallagher if he will yield for a question.

THE CHAIRMAN: He cannot at this time. His time has expired. I will give him the opportunity later. Any other delegate desire to speak in favor? Any other delegate desire to speak in opposition? Delegate Schneider.

DELEGATE SCHNEIDER: Yes, sir, I would like to speak in opposition to this because I do not think it does what its proponents say it does. It merely requires that a primary election be held prior to the party convention. It does not require that the delegates be elected in the primary election. So really the legislature could provide that the delegates to the state convention are appointed by the central committee or appointed by any other body. This would just require that there be a primary election at which we could elect our candidates for Congress or nominees for Congress and at certain times the United States Senate.

I think further it is a legislative matter, and though if it did require that the delegates to state convention be elected by the people or that the people vote on the question of who they wanted to be their nominee in the presidential election, it would have merit. I think we should refrain from putting things which are legislative in just on the basis that they are good. I think even though the legislature might not do it, we should write a basic structural docu-